

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KAREN B. GOKAY,
Plaintiff

vs.

JOHN J. GEORGE, et al.,
Defendants

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CIVIL ACTION

NO. 12-2140

ORDER

AND NOW, this 20th day of February, 2013, upon consideration of the defendants' partial motion to dismiss the amended complaint (Document #9), the plaintiff's response thereto (Document #10), and the defendants' reply (Document #16), I make the following findings:

(1) The amended complaint contains allegations of the defendants' conduct that occurred outside of the 300 day limitations period for EEOC claims, and outside the 180 day limitations period for PHRC claims.

(2) As time-barred, this conduct cannot be actionable here. See Mikula v. Allegheny County, 583 F.3d 181, 185-186 (3d Cir. 2009) (citing National Railroad Passenger Corp. v. Morgan, 536 U.S. 101, 113 (2002)).

(3) The defendants' alleged prior acts are included in the amended complaint solely as background evidence in support of the plaintiff's timely claims of discrimination. See Morgan, 536 U.S. at 113.

Accordingly, IT IS ORDERED that the motion is DENIED.

BY THE COURT:

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.